

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HOCKERSON-HALBERSTADT, INC.,
Plaintiff,
v.
COSTCO WHOLESALE CORPORATION,
Defendant.

No. C03-1188L

**ORDER REGARDING MOTION
FOR LEAVE TO FILE MOTION IN
LIMINE AFTER DEADLINE**

This matter comes before the Court on plaintiff Hockerson-Halberstadt, Inc.’s (“HHI”) Motion for Leave to File Supplemental and Amended Motion in Limine after Deadline (Dkt. #76). HHI seeks to exclude Costco Wholesale Corporation’s (“Costco”) expert Ray Fredericksen from testifying at trial.

The deadline for filing motions *in limine* in this case was May 9, 2005. On May 8, 2005, HHI filed a motion *in limine* seeking to exclude evidence on several issues, including the testimony of Ray Fredericksen. Because HHI's motion exceeded the page limits set forth in the Local Rules, and because Mr. Fredericksen's deposition was not taken until May 10, 2005, HHI filed this motion for an extension on May 11, 2005. HHI filed its motion *in limine* to exclude Mr. Fredericksen on May 18, 2005.

The parties had agreed to extend expert discovery, and Mr. Fredericksen's deposition

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1 was taken on May 10, 2005. HHI argues, and Costco does not dispute, that Mr. Fredericksen
2 was not available to be deposed prior to May 10. Although Costco disputes the underlying
3 merits of the motion to exclude, it does not dispute the facts relevant to the request for an
4 extension. The Court finds that HHI has shown good cause for an extension.

5 For all of the foregoing reasons, the Court GRANTS HHI's Motion for Leave to File
6 Supplemental and Amended Motion in Limine after Deadline (Dkt. #76). The Clerk of Court is
7 directed to note HHI's Fifth Motion in Limine to Exclude Expert Testimony of Ray
8 Fredericksen (Dkt. #87) on the Court's calendar for June 14, 2005. Costco's response to the
9 motion and HHI's reply, if any, shall be due in accordance with the Local Rules.

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11 DATED this 2nd day of June, 2005.
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14 Robert S. Lasnik
United States District Judge